

1 AMENDMENT TO HOUSE BILL 5803

2 AMENDMENT NO. _____. Amend House Bill 5803 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Auction License Act is amended by
5 changing Section 10-1 as follows:

6 (225 ILCS 407/10-1)
7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 10-1. Necessity of license; exemptions.

9 (a) It is unlawful for any person, corporation, limited
10 liability company, partnership, or other entity to conduct an
11 auction, provide an auction service, hold himself or herself
12 out as an auctioneer, or advertise his or her services as an
13 auctioneer in the State of Illinois without a license issued
14 by OBRE under this Act, except at:

15 (1) an auction conducted solely by or for a
16 not-for-profit organization for charitable purposes;

17 (2) an auction conducted by the owner of the
18 property, real or personal;

19 (3) an auction for the sale or lease of real
20 property conducted by a licensee under the Real Estate
21 License Act, or its successor Acts, in accordance with
22 the terms of that Act; and

1 (4) an auction conducted by a business registered
2 as a market agency under the federal Packers and
3 Stockyards Act (7 U.S.C. 181 et seq.) or under the
4 Livestock Auction Market Law;

5 (5) an auction conducted by an agent, officer, or
6 employee of a federal agency in the conduct of his or her
7 official duties; and

8 (6) an auction conducted by an agent, officer, or
9 employee of the State government or any political
10 subdivision thereof performing his or her official
11 duties.

12 (b) Nothing in this Act shall be construed to apply to a
13 vehicle dealer licensed by the Secretary of State of
14 Illinois, or to any employee of the licensee, who is a
15 resident of the State of Illinois, while the employee is
16 acting in the regular scope of his or her employment for the
17 licensee while conducting an auction that is not open to the
18 public, provided that only new or used vehicle dealers
19 licensed by the Secretary of State or licensed by another
20 jurisdiction may buy property at the auction ~~er-through-the-lic~~
21 ~~er-through-the-lic~~ensee.

22 (c) Nothing in this Act shall be construed to prohibit a
23 person under the age of 18 from selling property under \$250
24 in value while under the direct supervision of a licensed
25 auctioneer.

26 (Source: P.A. 91-603, eff. 1-1-00.)

27 Section 99. Effective date. This Act takes effect upon
28 becoming law."